

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DARCEL LAKAY CLEMONS,

Plaintiff,

v.

ORDER
12-CV-269A

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On August 7, 2013, Magistrate Judge Scott filed a Report and Recommendation, recommending that the Commissioner's motion for judgment on the pleadings be denied, plaintiff's motion for similar relief be granted in part, and the case remanded for further administrative proceedings consistent with the Report and Recommendation..

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the Commissioner's motion for judgment on the pleadings is denied, plaintiff's motion for similar relief is granted in part, and the case is remanded for further administrative proceedings consistent with the Report and Recommendation.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: August 27, 2013